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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,122

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Sunao Takatori

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EXAMINER

TINKLER, MURIEL S

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

02/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/089,122

Applicant(s)

TAKATORI ET AL.

Examiner

MURIEL TINKLER

Art Unit

3691

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See the "OTHER" section below. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

Continuation of 13. Other: The Applicant argues against the: 35 USC 112, first and second paragraph rejections of claims 1-31; and, 35 USC 103 rejection over claims 1-31.

Regarding the 35 USC 112, first paragraph rejection of claims 1-31: The Applicant amended the claims, however the amendments do not coincide with the written description found in the specification. For example, according to the specification, the only things that are validated are the amount, the store ID information and the customer ID information (see pages 2 and 9 of the specification). There is no mention of authenticating "the transfer source store account information". Additionally, the specification does not specifically say that the customer account is associated with the authenticated customer ID information, although the Examiner acknowledges that this could be the case, the Applicant will need to specifically point out in the specification where this disclosed.

Regarding the 35 USC 112, second paragraph rejection of claims 1-31, the claims have been amended to state, "a customer account" instead of "an account". The Examiner points out that this proposed amendment raises a new 35 USC 112, second paragraph issue concerning lack of antecedent basis. In other words, it is unclear if "a customer account" found in line 10 of claim 1 is the same customer account as found earlier in line 10, "to receive customer account information". If it is the same, then the amendment should read, "the customer account" instead of "a customer account". And, if it is a different customer account, the amendment should read, "a different customer account." Appropriate correction is required to remove the 35 USC 112, second paragraph rejection. Independent claims 4 and 24-27 show similar errors. And, the dependent claims do not cure this deficiency. Therefore, the 35 USC 112, second paragraph rejection stands. Therefore, the proposed amendments do not place the application in better form for appeal by reducing or simplifying issues on appeal.

Regarding the 35 USC 103 rejection, the Applicant argues that the prior art does not disclose that a second authentication management apparatus receives customer account information of a customer account in which money is deposited. The Examiner disagrees. See figure 3 (element 312), which received customer account information about an account that has money deposited into it. The Applicant further argues that the prior art (Chasko) does not authenticate the customer ID information, the transfer source store account information, and the store ID information, but instead validates the authenticity of the original purchase transaction. First, let it be noted that the specification does not specifically disclose what the "transfer source store account information" actually is. However, the Applicant points to the Examiner to figure 3 (along with other areas in the specification). According to figure 3, there is: 1) an amount inputted; 2) ID information of the customer is obtained; and, 3) ID information of the store and customer are transmitted along with the amount. The Examiner asserts that Chasko does all of this (see page 7 of the Office Action mailed on December 23, 2009). Second, it is unclear what the difference between "authenticating" and "validating the authenticity" is. The Applicant will need to further clarify how or why these terms are distinguished according to the specification of this application.